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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE WILLIAM H. ALSUP, JUDGE

JEREMY STANFIELD,	)	
	)	
Plaintiff,	)	
VS.	)	NO. 20-cv-07000 WHA
	)	
TAWKIFY, INC.,	)	
	)	San Francisco, California
Defendant.	)	
_____	)	

Wednesday, January 27, 2021

**TRANSCRIPT OF PROCEEDINGS**

**APPEARANCES:** (By AT&T Teleconference)

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**PRISCILLA SZETO, ESQ.**

Reported By: **BELLE BALL, CSR 8785, CRR, RDR**  
Official Reporter, U.S. District Court

1 issues -- but that there are some discovery disputes brewing,  
2 that the defense has taken the position that they are  
3 premature, given that the Court needs to rule on whether the  
4 matter is going to stay before it in this motion to compel  
5 arbitration, because if it goes into arbitration, discovery is  
6 handled by the arbitrator. And we would like the Court to at  
7 least hear the parties' positions on that that are set forth on  
8 the CMC statement.

9 **THE COURT:** Well, I'll look at the CMC statement  
10 later. But there's no way I'm going to look at discovery  
11 disputes until I get this arbitration problem decided, because  
12 it may go to an arbitrator.

13 **MR. GRAHAM:** Yes, Your Honor. And that's what we  
14 were --

15 **THE COURT:** I will just tell you, as a matter of  
16 policy I do not bifurcate discovery in class -- purported  
17 class actions, because the Supreme Court has made the merits  
18 sufficiently pertinent to the Rule 23 decision. For example,  
19 most prominent is you need to have a common method of proof to  
20 get certification. And you have to understand how you're  
21 going to prove the case on the merits, class-wide.

22 And if the defendant stonewalls on that, I just assume the  
23 worst, and rule against the defendant. And you get class-wide  
24 discovery. That's easy. Because that's what I would do in  
25 every case.

**CERTIFICATE OF REPORTER**

I, BELLE BALL, Official Reporter for the United States Court, Northern District of California, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.



/s/ Belle Ball

Belle Ball, CSR 8785, CRR, RDR

Wednesday, January 27, 2021